

Attorney's Docket No. 9201-3

PATENT

AF 2200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Witte et al.

Serial No.: 09/677,993

Filed: October 3, 2000

For: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR
SELECTING A JOB POST SITE TO WHICH A JOB OPENING DESCRIPTION
MAY BE POSTED BY RANKING JOB POST SITES BASED ON ONE OR MORE
SELECTION CRITERION

Confirmation No.: 5689

Group Art Unit: 3623

Examiner: Michael C. Heck

SEP 28 2005
O I P E I A P B
P A T E N T & T R A D E M A R K O F F I C E

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: September 26, 2005

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 26, 2005.


Traci A. Brown

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Sir:

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed March 31, 2005 and the Notification of Non-Compliant Appeal Brief dated September 12, 2005.

Appellants note that the Appeal fee was paid with the Appeal Brief of May 31, 2005. Accordingly, no additional fee is due. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

Real Party In Interest

The real party in interest is assignee PeopleClick.com, Inc., Raleigh, North Carolina.

Related Appeals and Interferences

Appellants are aware of no appeals or interferences that would be affected by the present appeal.

Status of Claims

Appellants appeal the final rejection of Claims 1, 3 -14, 16 - 23, 25, 26, 28 - 39, 41 - 48, 50 - 61, and 63 - 69, which as of the filing date of this Brief remain under consideration. The claims at issue as included in Appellants' response to the final Office Action of December 3, 2004 are attached hereto as Appendix A.

Status of Amendments

Two responses have been filed in the present case: An "Amendment" was filed February 12, 2004 in response to an Office Action mailed November 12, 2003. A "Request For Reconsideration" was filed August 9, 2004 in response to an Office Action mailed May 7, 2004. A "Response After Final" was filed March 3, 2005 in response to a final Office Action mailed December 3, 2004 (hereinafter "Final Action"). The rejections were maintained as indicated in an Advisory Action mailed March 22, 2005. Claims 2, 15, 24, 27, 40, 49, and 62 have been canceled in prosecuting the present application; therefore, Claims 1, 3 -14, 16 - 23, 25, 26, 28 - 39, 41 - 48, 50 - 61, and 63 - 69 remain for consideration on the present appeal.

Summary of Claimed Subject Matter

Appellants appeal the final rejection of independent Claims 1, 10, 23, 26, 35, 48, and 57. Independent Claim 1 is directed to a method of selecting a job post site. A job post site may be selected by obtaining one or more job post site selection criterion. (Specification, page 15, lines 21 - 23; FIG. 4, block 118). Multiple job post sites may then be ranked based on the selection criterion that has been obtained. (Specification, page 15, line 30 - page 16, line 1; FIG. 4, block 122). The multiple job post sites may be ranked by accessing a fact table that contains data that is relevant to the one or more job post site selection criterion (Specification, page 16, lines 4 - 6; FIG. 6, block 124) and then using an inference engine to process the fact table and the job post site selection criterion to generate the ranking. (Specification, page 16, lines 6 - 8; FIG. 6, block 126). The job post site may be selected based on the ranking of the multiple job post sites. (Specification, page 18, lines 5 - 7; FIG. 4, block 146).

Independent 10 is directed to a method of posting a job opening description. A job post site may be selected by obtaining one or more job post site selection criterion.

(Specification, page 15, lines 21 - 23; FIG. 4, block 118). Multiple job post sites may then be ranked based on the selection criterion that has been obtained. (Specification, page 15, line 30 - page 16, line 1; FIG. 4, block 122). The multiple job post sites may be ranked by accessing a fact table that contains data that is relevant to the one or more job post site selection criterion (Specification, page 16, lines 4 - 6; FIG. 6, block 124) and then using an inference engine to process the fact table and the job post site selection criterion to generate the ranking. (Specification, page 16, lines 6 - 8; FIG. 6, block 126). One or more job post sites may be selected based on the ranking of the multiple job post sites. (Specification, page 18, lines 5 - 7; FIG. 4, block 146). The job opening description may be posted to the selected one or more job post sites. (Specification, page 18, lines 21 - 23; FIG. 4, block 158).

Independent Claim 23 is directed to a system for posting a job opening description. A job opening description parser module (Specification, page 9, lines 17 - 25; FIG. 3, block 82) is configured to parse the job opening description to obtain at least one job post site selection criterion. A job post site expert system engine module (Specification, page 11, line 5 through page 13, line 2; FIG. 3, block 86) is configured to rank a plurality of job post sites based on the at least one job post site selection criterion. The job post site expert system engine module comprises a fact table (Specification, page 12, line 16 through page 13, line 2; FIG. 3, blocks 98, 102, 104) that contains data relevant to the at least one job post site selection criterion and an inference engine (Specification, page 12, line 16 through page 13, line 2; FIG. 3, blocks 94 and 96) that is configured to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion. A job post site selection module (Specification, page 13, lines 12 - 21; FIG. 3, block 92) is configured to select at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites. A job post site posting module (Specification, page 13, lines 12 - 21; FIG. 3, block 88) is configured to post the job opening description to the selected at least one job post site.

Independent Claim 26 is directed to a system for selecting a job post site comprising means for obtaining one or more job post site selection criterion (Specification, page 15, lines 21 - 23; FIG. 4, block 118) and means for automatically ranking a plurality of job post sites based on the at least one job post selection criterion. (Specification, page 15, line 30 - page 16, line 1; FIG. 4, block 122). The means for automatically ranking comprises means for accessing a fact table that contains data that is relevant to the one or more job post site

selection criterion (Specification, page 16, lines 4 - 6; FIG. 6, block 124) and means for using an inference engine to process the fact table and the one or more job post site selection criterion. (Specification, page 16, lines 6 - 8; FIG. 6, block 126). The system further comprises means for selecting the job post site based on the ranking of the multiple job post sites. (Specification, page 18, lines 5 - 7; FIG. 4, block 146). The job opening description parser of FIG. 3 provides structure for the means for obtaining; the job post site expert system engine 86 of FIG. 3 provides structure for the means for automatically ranking; the job post site expert system engine 86 and fact tables 98, 102, and 104 of FIG. 3 provides structure for the means for accessing a fact table; the inference engines 94 and 96 of FIG. 3 provides structure for the means for using an inference engine; and the job post site selection module 92 of FIG. 3 provides structure for the means for selecting.

Independent Claim 35 is directed to a system for posting a job post site comprising means for obtaining one or more job post site selection criterion (Specification, page 15, lines 21 - 23; FIG. 4, block 118) and means for automatically ranking a plurality of job post sites based on the at least one job post selection criterion. (Specification, page 15, line 30 - page 16, line 1; FIG. 4, block 122). The means for automatically ranking comprises means for accessing a fact table that contains data that is relevant to the one or more job post site selection criterion (Specification, page 16, lines 4 - 6; FIG. 6, block 124) and means for using an inference engine to process the fact table and the one or more job post site selection criterion. (Specification, page 16, lines 6 - 8; FIG. 6, block 126). The system further comprises means for selecting the job post site based on the ranking of the multiple job post sites (Specification, page 18, lines 5 - 7; FIG. 4, block 146) and means for posting the job opening description to the selected at least one job post site. (Specification, page 18, lines 21 - 23; FIG. 4, block 158). The job opening description parser of FIG. 3 provides structure for the means for obtaining; the job post site expert system engine 86 of FIG. 3 provides structure for the means for automatically ranking; the job post site expert system engine 86 and fact tables 98, 102, and 104 of FIG. 3 provides structure for the means for accessing a fact table; the inference engines 94 and 96 of FIG. 3 provides structure for the means for using an inference engine; and the job post site selection module 92 of FIG. 3 provides structure for the means for selecting. The job post site posting module 88 of FIG. 3 provides structure for the means for posting.

Independent Claim 48 is directed to a computer program product for selecting a job post site comprising a computer readable storage medium having computer readable program code embodied therein. The computer readable program code comprises computer readable program code for obtaining one or more job post site selection criterion (Specification, page 15, lines 21 - 23; FIG. 4, block 118) and computer readable program code for automatically ranking a plurality of job post sites based on the at least one job post selection criterion. (Specification, page 15, line 30 - page 16, line 1; FIG. 4, block 122). The computer readable program code for automatically ranking comprises computer readable program code for accessing a fact table that contains data that is relevant to the one or more job post site selection criterion (Specification, page 16, lines 4 - 6; FIG. 6, block 124) and computer readable program code for using an inference engine to process the fact table and the one or more job post site selection criterion. (Specification, page 16, lines 6 - 8; FIG. 6, block 126). The system further comprises computer readable program code for selecting the job post site based on the ranking of the multiple job post sites. (Specification, page 18, lines 5 - 7; FIG. 4, block 146).

Independent Claim 57 is directed to a computer program product for posting a job post site comprising a computer readable storage medium having computer readable program code embodied therein. The computer readable program code comprises computer readable program code for obtaining one or more job post site selection criterion (Specification, page 15, lines 21 - 23; FIG. 4, block 118) and computer readable program code for automatically ranking a plurality of job post sites based on the at least one job post selection criterion. (Specification, page 15, line 30 - page 16, line 1; FIG. 4, block 122). The computer readable program code for automatically ranking comprises means for accessing a fact table that contains data that is relevant to the one or more job post site selection criterion (Specification, page 16, lines 4 - 6; FIG. 6, block 124) and computer readable program code for using an inference engine to process the fact table and the one or more job post site selection criterion. (Specification, page 16, lines 6 - 8; FIG. 6, block 126). The system further comprises computer readable program code for selecting the job post site based on the ranking of the multiple job post sites (Specification, page 18, lines 5 - 7; FIG. 4, block 146) and computer readable program code for posting the job opening description to the selected at least one job post site. (Specification, page 18, lines 21 - 23; FIG. 4, block 158).

Grounds of Rejection to be Reviewed on Appeal

Independent Claims 1, 10, 23, 26, 35, 48, and 57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the document entitled "Webhire Links Corporate Recruiting Desktops to Over 2,000 Job Posting Sites," March 2, 2000 (hereinafter "Webhire") in view of U. S. Patent No. 4,910,60 to Li (hereinafter "Li").

Argument

I. Introduction to 35 U.S.C. §103 Analysis

A determination under §103 that an invention would have been obvious to someone of ordinary skill in the art is a conclusion of law based on fact. *Panduit Corp. v. Dennison Mfg. Co.* 810 F.2d 1593, 1 U.S.P.Q.2d 1593 (Fed. Cir. 1987), *cert. denied*, 107 S.Ct. 2187. After the involved facts are determined, the decision maker must then make the legal determination of whether the claimed invention as a whole would have been obvious to a person having ordinary skill in the art at the time the invention was unknown, and just before it was made. *Id.* at 1596. The United States Patent and Trademark Office (USPTO) has the initial burden under §103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

To establish a *prima facie* case of obviousness, the prior art reference or references when combined must teach or suggest *all* the recitations of the claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. §2143. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. §2143.01, citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). As emphasized by the Court of Appeals for the Federal Circuit, to support combining references, evidence of a suggestion, teaching, or motivation to combine must be **clear and particular**, and this requirement for clear and particular evidence is not met by broad and conclusory statements about the teachings of references. *In re Dembiczaik*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). In another decision, the Court of Appeals for the Federal Circuit has stated that, to support combining or modifying references, there must be **particular** evidence from the prior art as to the reason the skilled artisan, with

no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000).

Appellants respectfully submit that the pending claims are patentable over the cited reference for at least the reason that there would be no motivation to modify Webhire's job posting system with Li's self-optimization method and machine, which is designed for real-time systems that do not incorporate human feedback and/or are based on knowledge bases generated through human input. The patentability of the pending claims is discussed in detail hereinafter.

A. Independent Claims 1, 10, 23, 26, 35, 48, and 57 are Patentable

Independent Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Webhire in view of Li.

Independent Claim 1 is directed to a method of selecting a job post site and has been reproduced below:

obtaining at least one job post site selection criterion;
automatically ranking a plurality of job post sites based on the at least one job post site selection criterion, comprising:
accessing a fact table that contains data relevant to the at least one job post site selection criterion; and
using an inference engine to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion; and
selecting the job post site from the plurality of job post sites based on the ranking of the plurality of job post sites.

Claims 10, 23, 26, 35, 48, and 57 include similar recitations. Thus, according to the recitations of the pending independent claims, a plurality of job post sites are automatically ranked based on at least one job post site selection criterion by accessing a fact table that contains data relevant to the at least one job post site selection criterion and by using an inference engine to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion.

The Final Action acknowledges that Webhire does not teach or suggest the recitations directed to automatically ranking a plurality of job post sites, accessing a

fact table, and using an inference engine. (Final Action, page 6). The Final Action does allege, however, that Li provides the missing teachings. Appellants respectfully submit, however, that neither Webhire nor Li include any motivation or suggestion to modify Webhire as indicated in the Office Action.

As affirmed by the Court of Appeals for the Federal Circuit in *In re Sang-su Lee*, a factual question of motivation is material to patentability, and cannot be resolved on subjective belief and unknown authority. See *In re Sang-su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." Li is directed to a self-optimization method and machine. Appellants submit that nothing in Webhire or Li provides any motivation to modify Webhire to include Li's self-optimization techniques because such techniques would appear to detract from Webhire's job posting system rather than improve or enhance it. For example, Li states that an object of his invention "is to provide real-time self-optimizing machine and method capable of handling tens, hundreds, thousands, or more variables with no or minimum human guidance..." (Li, col. 3, lines 19 - 22; emphasis added). Furthermore, Li explains that "[t]o fully utilize my self-optimizing machine, however, these 'rules' are preferably instantly and automatically implemented through actuators without introducing any delays or errors due to the presence of humans in the loops." (Li, col. 7, lines 62 - 66; emphasis added). Thus, Li's self-optimization method and machine is designed to work without human intervention.

Appellants respectfully submit, however, that if Webhire's job posting system were to be modified to incorporate an expert system, then such an expert system would be built and modified based on human feedback and data. That is, information on whether a particular job post site has been successful for a recruiter would likely be provided by interviewing a person responsible for recruiting and finding out which job post sites provided the best candidates for a particular job or jobs.

The Final Action states that Webhire does not address where the information for the specific job site solution comes from. (Final Action, page 5). Appellants respectfully submit that the collection of job site information used in Webhire would have to be the result of some sort of human involvement, e.g., in the form of

categorizing the job posting sites, establishing rules/guidelines for which sites go into which categories, etc. This is in sharp contrast to Li in which the data is compiled through devices such as actuators without any human interpretation or input.

Moreover, Applicants note that Li's system was designed to address problems in conventional automation systems in which the knowledge base has been generated based on human knowledge and input. For example, Li states at col. 4, lines 35 - 48:

FIG. 1 shows the flowchart for the present automation systems. Note that these systems totally depend on the imperfect and error-prone human knowledge bases from averaged previous sampled results. Also, there are no mechanisms to eliminate, suppress, or even detect errors from any sources. Hence, errors in, errors out.

Thus, a fundamental flaw in present automation systems is the assumption that there exist human experts who know exactly and accurately everything: the exact number and type of important variables and their interactions, system dynamics models, detailed solutions of the intricately coupled control equations, exact control constants, and optimal setpoints. In reality, this is far from the truth.

Thus, Appellants submit that there would be no motivation to modify Webhire's job posting system with Li's self-optimization method and machine, which is designed for real-time systems that do not incorporate human feedback and/or are based on knowledge bases generated through human input.

The Advisory Action mailed March 22, 2005 states that "[t]he examiner notes that the claimed invention as presented by the applicant accesses a database for relevant data, but does not identify how the database is created or updated, i.e., by a machine or by a human. Therefore, the human factor element is not relevant to whether Business/Technology Editors and Li are combinable." (Advisory Action, page 2, last paragraph). Appellants respectfully submit that such reasoning with respect to whether a motivation exists to combine references is improper. As discussed above the evidence of motivation to combine references must be clear and particular and must come from the prior art references, not from Appellants' disclosure. The foregoing statement from the Advisory Action does not adequately address the issue of motivation to combine as discussed in *In re Sang-su Lee*. Thus, it appears that the Final Action/Advisory Action gains its alleged impetus or suggestion to combine the cited references by hindsight reasoning informed by Applicants' disclosure, which, as noted above, is an inappropriate basis for combining references.

For at least the foregoing reasons, Appellants respectfully submit that independent Claims 1, 10, 23, 26, 35, 48, and 57 are patentable over Webhire and Li, and that Claims 3 - 9, 11 - 14, 16 - 22, 25, 28 - 34, 36 - 39, 41 - 47, 50 - 56, 58 - 61, 63 - 69 are patentable at least per the patentability of independent Claims 1, 10, 23, 26, 35, 48, and 57. Accordingly, Appellants respectfully request that the rejection of Claims 1, 3 -14, 16 - 23, 25, 26, 28 - 39, 41 - 48, 50 - 61, and 63 - 69 be reversed based on the failure of the Examiner to establish a prima facie case of obviousness under 35 U.S.C. §103 for at least these reasons.

II. Conclusion

In summary, Appellants respectfully submit that, with respect to Claims 1, 3 -14, 16 - 23, 25, 26, 28 - 39, 41 - 48, 50 - 61, and 63 - 69, the cited references are not properly combinable and, therefore, do not teach all of the recitations of the claims. Accordingly, Appellants respectfully request reversal of the rejection of Claims 1, 3 -14, 16 - 23, 25, 26, 28 - 39, 41 - 48, 50 - 61, and 63 - 69 based on the cited references.

Respectfully submitted,



D. Scott Moore
Registration No. 42,011

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

APPENDIX A

1. (previously presented) A method of selecting a job post site, comprising:
 - obtaining at least one job post site selection criterion;
 - automatically ranking a plurality of job post sites based on the at least one job post site selection criterion, comprising:
 - accessing a fact table that contains data relevant to the at least one job post site selection criterion; and
 - using an inference engine to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion; and
 - selecting the job post site from the plurality of job post sites based on the ranking of the plurality of job post sites.
2. (canceled)
3. (original) A method as recited in Claim 1, wherein obtaining the at least one job post site selection criterion comprises:
 - obtaining a geographic location criterion;
 - obtaining a skill set criterion; and
 - obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates.
4. (original) A method as recited in Claim 3, wherein automatically ranking the plurality of job post sites based on the at least one job post site selection criterion comprises:
 - identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion;
 - ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites;
 - identifying job post sites of the plurality of job post sites that satisfy the skill set criterion; and

ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites.

5. (original) A method as recited in Claim 4, wherein identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion, and ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate the geographic location and job post site performance ranked list of job post sites comprise:

accessing a geographic location fact table that contains data relevant to the geographic location criterion;

accessing a job post site performance fact table that contains data relevant to the job post site performance criterion;

using an inference engine to process the geographic location criterion and the geographic location fact table to identify the job post sites of the plurality of job post sites that satisfy the geographic location criterion; and

using the inference engine to process the identified job post sites that satisfy the geographic location criterion, the job post site performance criterion, and the job post site performance fact table to rank the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion.

6. (original) A method as recited in Claim 4, wherein identifying job post sites of the plurality of job post sites that satisfy the skill set criterion, and ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate the skill set and job post site performance ranked list of job post sites comprise:

accessing a skill set fact table that contains data relevant to the skill set criterion;

accessing a job post site performance fact table that contains data relevant to the job post site performance criterion;

using an inference engine to process the skill set criterion and the skill set fact table to identify the job post sites of the plurality of job post sites that satisfy the skill set criterion; and

using the inference engine to process the identified job post sites that satisfy the skill set criterion, the job post site performance criterion, and the job post site performance fact table to rank the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion.

7. (original) A method as recited in Claim 4, further comprising:
combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate a geographic location, skill set, and job post site performance ranked list of job post sites.

8. (original) A method as recited in Claim 7, wherein combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate the geographic location, skill set, and job post site performance ranked list of job post sites comprises:

computing, for each respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites, a weighted average using ranks assigned to the respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites; and

using the computed weighted averages to generate the geographic location, skill set, and job post site performance ranked list.

9. (original) A method as recited in Claim 7, wherein combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate the geographic location, skill set, and job post site performance ranked list of job post sites comprises:

computing, for each respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites, an average using ranks assigned to the respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites; and

using the computed averages to generate the geographic location, skill set, and job post site performance ranked list.

10. (previously presented) A method of posting a job opening description, comprising:

obtaining at least one job post site selection criterion;

automatically ranking a plurality of job post sites based on the at least one job post site selection criterion, comprising:

accessing a fact table that contains data relevant to the at least one job post site selection criterion; and

using an inference engine to process the at least one job post site selection criterion and the first fact table to rank the plurality of job post sites based on the at least one job post site selection criterion;

selecting at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites; and

posting the job opening description to the selected at least one job post site.

11. (original) A method as recited in Claim 10, wherein the job opening description comprises an extensible markup language (XML) data stream.

12. (original) A method as recited in Claim 10, wherein selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

displaying the ranked plurality of job post sites to an end user; and

obtaining user input to select the at least one job post site from the ranked plurality of job post sites from the end user.

13. (original) A method as recited in Claim 10, wherein selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites independent of user input.

14. (original) A method as recited in Claim 10, wherein posting the job opening description to the selected at least one job post site comprises:

converting the job opening description into a format compatible with the selected at least one job post site; and

sending the converted job opening description to the at least one job post site.

15. (canceled)

16. (original) A method as recited in Claim 10, further comprising:

obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates; and

wherein the at least one job post site selection criterion comprises:

a geographic location criterion; and

a skill set criterion.

17. (original) A method as recited in Claim 16, wherein ranking the plurality of job post sites based on the at least one job post site selection criterion comprises:

identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion;

automatically ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites;

identifying job post sites of the plurality of job post sites that satisfy the skill set criterion; and

automatically ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites.

18. (original) A method as recited in Claim 17, further comprising:
automatically ranking the geographic location and job post site performance ranked
list of job post sites with the skill set and job post site performance ranked list of job post
sites to generate a geographic location, skill set, and job post site performance ranked list of
job post sites.

19. (original) A method as recited in Claim 18, wherein selecting the at least one
job post site from the plurality of job post sites based on the ranking of the plurality of job
post sites comprises:

selecting the job post sites in the geographic location, skill set, and job post site
performance ranked list of job post sites.

20. (original) A method as recited in Claim 19, wherein posting the job opening
description to the selected at least one job post site comprises:

converting the job opening description into a respective format compatible with a
respective one of the job post sites in the geographic location, skill set, and job post site
performance ranked list of job post sites; and

sending the respective converted job opening description to the respective one of the
job post sites in the geographic location, skill set, and job post site performance ranked list of
job post sites.

21. (original) A method as recited in Claim 18, wherein selecting the at least one
job post site from the plurality of job post sites based on the ranking of the plurality of job
post sites comprises:

displaying the geographic location, skill set, and job post site performance ranked list
of job post sites to an end user; and

obtaining user input to select the at least one job post site from the geographic
location, skill set, and job post site performance ranked list of job post sites from the end
user.

22. (original) A method as recited in Claim 21, wherein posting the job opening description to the selected at least one job post site comprises:

converting the job opening description into a format compatible with the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user; and

sending the converted job opening description to the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user.

23. (previously presented) A system for posting a job opening description, comprising:

a job opening description parser module that is configured to parse the job opening description to obtain at least one job post site selection criterion;

a job post site expert system engine module that is configured to rank a plurality of job post sites based on the at least one job post site selection criterion, comprising:

a fact table that contains data relevant to the at least one job post site selection criterion; and

an inference engine that is configured to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion;

a job post site selection module that is configured to select at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites; and

a job post site posting module that is configured to post the job opening description to the selected at least one job post site.

24. (canceled)

25. (original) A system as recited in Claim 23, wherein the job post site posting module comprises:

a site format module that is configured to convert the job opening description into a format compatible with the selected at least one job post site; and

a transport module that is configured to send the converted job opening description to the at least one job post site.

26. (previously presented) A system for selecting a job post site, comprising:
means for obtaining at least one job post site selection criterion;
means for automatically ranking a plurality of job post sites based on the at least one job post site selection criterion, comprising:

means for accessing a fact table that contains data relevant to the at least one job post site selection criterion; and

means for using an inference engine to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion; and

means for selecting the job post site from the plurality of job post sites based on the ranking of the plurality of job post sites.

27. (canceled)

28. (original) A system as recited in Claim 26, wherein the means for obtaining the at least one job post site selection criterion comprises:

means for obtaining a geographic location criterion;

means for obtaining a skill set criterion; and

means for obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates.

29. (original) A system as recited in Claim 28, wherein the means for automatically ranking the plurality of job post sites based on the at least one job post site selection criterion comprises:

means for identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion;

means for ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites;

means for identifying job post sites of the plurality of job post sites that satisfy the skill set criterion; and

means for ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites.

30. (original) A system as recited in Claim 29, wherein the means for identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion, and the means for ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate the geographic location and job post site performance ranked list of job post sites comprise:

means for accessing a geographic location fact table that contains data relevant to the geographic location criterion;

means for accessing a job post site performance fact table that contains data relevant to the job post site performance criterion;

means for using an inference engine to process the geographic location criterion and the geographic location fact table to identify the job post sites of the plurality of job post sites that satisfy the geographic location criterion; and

means for using the inference engine to process the identified job post sites that satisfy the geographic location criterion, the job post site performance criterion, and the job post site performance fact table to rank the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion.

31. (original) A system as recited in Claim 29, wherein the means for identifying job post sites of the plurality of job post sites that satisfy the skill set criterion, and the means for ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate the skill set and job post site performance ranked list of job post sites comprise:

means for accessing a skill set fact table that contains data relevant to the skill set criterion;

means for accessing a job post site performance fact table that contains data relevant to the job post site performance criterion;

means for using an inference engine to process the skill set criterion and the skill set fact table to identify the job post sites of the plurality of job post sites that satisfy the skill set criterion; and

means for using the inference engine to process the identified job post sites that satisfy the skill set criterion, the job post site performance criterion, and the job post site performance fact table to rank the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion.

32. (original) A system as recited in Claim 29, further comprising:

means for combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate a geographic location, skill set, and job post site performance ranked list of job post sites.

33. (original) A system as recited in Claim 32, wherein the means for combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate the geographic location, skill set, and job post site performance ranked list of job post sites comprises:

means for computing, for each respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites, a weighted average using ranks assigned to the respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites; and

means for using the computed weighted averages to generate the geographic location, skill set, and job post site performance ranked list.

34. (original) A system as recited in Claim 32, wherein the means for combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate the geographic location, skill set, and job post site performance ranked list of job post sites comprises:

means for computing, for each respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site

performance ranked list of job post sites, an average using ranks assigned to the respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites; and

means for using the computed averages to generate the geographic location, skill set, and job post site performance ranked list.

35. (previously presented) A system for posting a job opening description, comprising:

means for obtaining at least one job post site selection criterion;

means for automatically ranking a plurality of job post sites based on the at least one job post site selection criterion, comprising:

means for accessing a fact table that contains data relevant to the at least one job post site selection criterion; and

means for using an inference engine to process the at least one job post site selection criterion and the first fact table to rank the plurality of job post sites based on the at least one job post site selection criterion;

means for selecting at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites; and

means for posting the job opening description to the selected at least one job post site.

36. (original) A system as recited in Claim 35, wherein the job opening description comprises an extensible markup language (XML) data stream.

37. (original) A system as recited in Claim 35, wherein the means for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

means for displaying the ranked plurality of job post sites to an end user; and

means for obtaining user input to select the at least one job post site from the ranked plurality of job post sites from the end user.

38. (original) A system as recited in Claim 35, wherein the means for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

means for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites independent of user input.

39. (original) A system as recited in Claim 35, wherein the means for posting the job opening description to the selected at least one job post site comprises:

means for converting the job opening description into a format compatible with the selected at least one job post site; and

means for sending the converted job opening description to the at least one job post site.

40. (canceled)

41. (original) A system as recited in Claim 35, further comprising:

means for obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates; and

wherein the at least one job post site selection criterion comprises:

a geographic location criterion; and
a skill set criterion.

42. (original) A system as recited in Claim 41, wherein the means for ranking the plurality of job post sites based on the at least one job post site selection criterion comprises:

means for identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion;

means for automatically ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites;

means for identifying job post sites of the plurality of job post sites that satisfy the skill set criterion; and

means for automatically ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites.

43. (original) A system as recited in Claim 42, further comprising:
means for automatically ranking the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate a geographic location, skill set, and job post site performance ranked list of job post sites.

44. (original) A system as recited in Claim 43, wherein the means for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

means for selecting the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites.

45. (original) A system as recited in Claim 44, wherein the means for posting the job opening description to the selected at least one job post site comprises:

means for converting the job opening description into a respective format compatible with a respective one of the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites; and

means for sending the respective converted job opening description to the respective one of the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites.

46. (original) A system as recited in Claim 43, wherein the means for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

means for displaying the geographic location, skill set, and job post site performance ranked list of job post sites to an end user; and

means for obtaining user input to select the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites from the end user.

47. (original) A system as recited in Claim 46, wherein the means for posting the job opening description to the selected at least one job post site comprises:

means for converting the job opening description into a format compatible with the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user; and

means for sending the converted job opening description to the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user.

48. (previously presented) A computer program product for selecting a job post site, comprising:

a computer readable storage medium having computer readable program code embodied therein, the computer readable program code comprising:

computer readable program code for obtaining at least one job post site selection criterion;

computer readable program code for automatically ranking a plurality of job post sites based on the at least one job post site selection criterion, comprising:

computer readable program code for accessing a fact table that contains data relevant to the at least one job post site selection criterion; and

computer readable program code for using an inference engine to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion; and

computer readable program code for selecting the job post site from the plurality of job post sites based on the ranking of the plurality of job post sites.

49. (canceled)

50. (original) A computer program product as recited in Claim 48, wherein the computer readable program code for obtaining the at least one job post site selection criterion comprises:

computer readable program code for obtaining a geographic location criterion;

computer readable program code for obtaining a skill set criterion; and

computer readable program code for obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates.

51. (original) A computer program product as recited in Claim 50, wherein the computer readable program code for automatically ranking the plurality of job post sites based on the at least one job post site selection criterion comprises:

computer readable program code for identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion;

computer readable program code for ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites;

computer readable program code for identifying job post sites of the plurality of job post sites that satisfy the skill set criterion; and

computer readable program code for ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites.

52. (original) A computer program product as recited in Claim 51, wherein the computer readable program code for identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion, and the computer readable program code for ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate the geographic location and job post site performance ranked list of job post sites comprise:

computer readable program code for accessing a geographic location fact table that contains data relevant to the geographic location criterion;

computer readable program code for accessing a job post site performance fact table that contains data relevant to the job post site performance criterion;

computer readable program code for using an inference engine to process the geographic location criterion and the geographic location fact table to identify the job post sites of the plurality of job post sites that satisfy the geographic location criterion; and

computer readable program code for using the inference engine to process the identified job post sites that satisfy the geographic location criterion, the job post site performance criterion, and the job post site performance fact table to rank the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion.

53. (original) A computer program product as recited in Claim 51, wherein the computer readable program code for identifying job post sites of the plurality of job post sites that satisfy the skill set criterion, and the computer readable program code for ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate the skill set and job post site performance ranked list of job post sites comprise:

computer readable program code for accessing a skill set fact table that contains data relevant to the skill set criterion;

computer readable program code for accessing a job post site performance fact table that contains data relevant to the job post site performance criterion;

computer readable program code for using an inference engine to process the skill set criterion and the skill set fact table to identify the job post sites of the plurality of job post sites that satisfy the skill set criterion; and

computer readable program code for using the inference engine to process the identified job post sites that satisfy the skill set criterion, the job post site performance criterion, and the job post site performance fact table to rank the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion.

54. (original) A computer program product as recited in Claim 51, further comprising:

computer readable program code for combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance

ranked list of job post sites to generate a geographic location, skill set, and job post site performance ranked list of job post sites.

55. (original) A computer program product as recited in Claim 54, wherein the computer readable program code for combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate the geographic location, skill set, and job post site performance ranked list of job post sites comprises:

computer readable program code for computing, for each respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites, a weighted average using ranks assigned to the respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites; and

computer readable program code for using the computed weighted averages to generate the geographic location, skill set, and job post site performance ranked list.

56. (original) A computer program product as recited in Claim 54, wherein the computer readable program code for combining the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate the geographic location, skill set, and job post site performance ranked list of job post sites comprises:

computer readable program code for computing, for each respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites, an average using ranks assigned to the respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites; and

computer readable program code for using the computed averages to generate the geographic location, skill set, and job post site performance ranked list.

57. (previously presented) A computer program product for posting a job opening description, comprising:

a computer readable storage medium having computer readable program code embodied therein, the computer readable program code comprising:

computer readable program code for obtaining at least one job post site selection criterion;

computer readable program code for automatically ranking a plurality of job post sites based on the at least one job post site selection criterion, comprising:

computer readable program code for accessing a fact table that contains data relevant to the at least one job post site selection criterion; and

computer readable program code for using an inference engine to process the at least one job post site selection criterion and the first fact table to rank the plurality of job post sites based on the at least one job post site selection criterion;

computer readable program code for selecting at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites;

and computer readable program code for posting the job opening description to the selected at least one job post site.

58. (original) A computer program product as recited in Claim 57, wherein the job opening description comprises an extensible markup language (XML) data stream.

59. (original) A computer program product as recited in Claim 57, wherein the computer readable program code for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

computer readable program code for displaying the ranked plurality of job post sites to an end user; and

computer readable program code for obtaining user input to select the at least one job post site from the ranked plurality of job post sites from the end user.

60. (original) A computer program product as recited in Claim 57, wherein the computer readable program code for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

computer readable program code for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites independent of user input.

61. (original) A computer program product as recited in Claim 57, wherein the computer readable program code for posting the job opening description to the selected at least one job post site comprises:

computer readable program code for converting the job opening description into a format compatible with the selected at least one job post site; and

computer readable program code for sending the converted job opening description to the at least one job post site.

62. (canceled)

63. (original) A computer program product as recited in Claim 57, further comprising:

computer readable program code for obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates; and wherein the at least one job post site selection criterion comprises:

a geographic location criterion; and
a skill set criterion.

64. (original) A computer program product as recited in Claim 63, wherein the computer readable program code for ranking the plurality of job post sites based on the at least one job post site selection criterion comprises:

computer readable program code for identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion;

computer readable program code for automatically ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites;

computer readable program code for identifying job post sites of the plurality of job post sites that satisfy the skill set criterion; and

computer readable program code for automatically ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites.

65. (original) A computer program product as recited in Claim 64, further comprising:

computer readable program code for automatically ranking the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate a geographic location, skill set, and job post site performance ranked list of job post sites.

66. (original) A computer program product as recited in Claim 65, wherein the computer readable program code for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

computer readable program code for selecting the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites.

67. (original) A computer program product as recited in Claim 66, wherein the computer readable program code for posting the job opening description to the selected at least one job post site comprises:

computer readable program code for converting the job opening description into a respective format compatible with a respective one of the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites; and

computer readable program code for sending the respective converted job opening description to the respective one of the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites.

68. (original) A computer program product as recited in Claim 65, wherein the computer readable program code for selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

computer readable program code for displaying the geographic location, skill set, and job post site performance ranked list of job post sites to an end user; and

computer readable program code for obtaining user input to select the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites from the end user.

69. (original) A computer program product as recited in Claim 68, wherein the computer readable program code for posting the job opening description to the selected at least one job post site comprises:

computer readable program code for converting the job opening description into a format compatible with the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user; and

computer readable program code for sending the converted job opening description to the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user.

In re: Witte et al.
Serial No.: 09/677,993
Filed: October 3, 2000
Page 32

APPENDIX B - Evidence Appendix

None

In re: Witte et al.
Serial No.: 09/677,993
Filed: October 3, 2000
Page 33

APPENDIX C - Related Proceedings Appendix

None